

# ***Headquarters U.S. Air Force***

---

*Integrity – Service - Excellence*

## **Guard and Reserve Issues in Iraq and Afghanistan**



**Major General F. Andrew Turley  
Air National Guard Assistant to  
The Judge Advocate General**

---



# Overview



- 
- **The Guard and Reserve**
  - **The Facts**
  - **The Issues**
  - **The Way Ahead**



# The Reserve Component



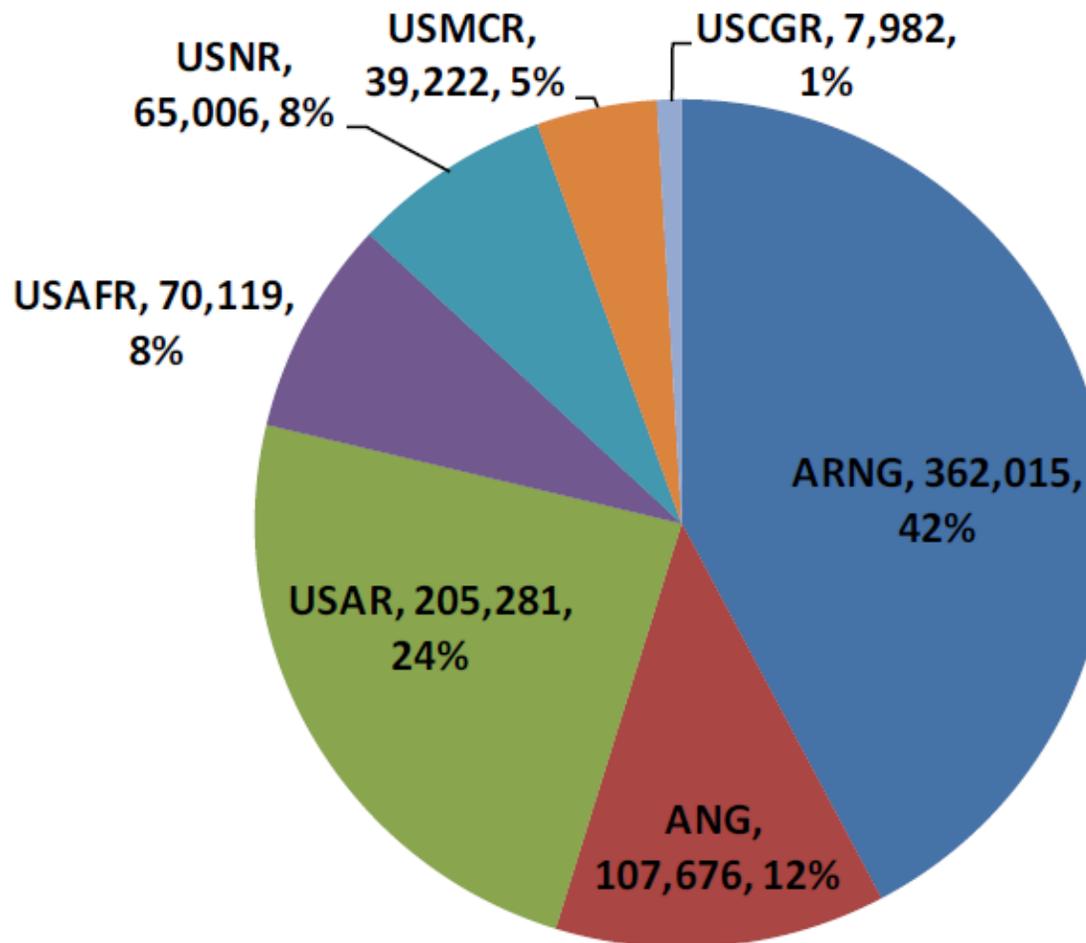
<b>Total DoD Reserve Components</b>				<b>3,167,341</b>	
				Enl: 2438399 Off: 728942	
<b>Ready Reserve</b>			<b>1,068,884</b>	<b>Standby Reserve</b>	<b>Retired Reserve</b> (Quarterly Rpt)
			Enl: 912294 Off: 156590		
<b>Selected Reserve</b>		<b>849,319</b>	<b>IRR/ING</b>		
		Enl: 723550 Off: 125769			
<b>PAID DRILL STRENGTH</b>	<b>Active Guard Reserve (AGR)</b>	<b>Individual Mobilization Augmentee (IMA)</b>			
<b>758,159</b>	<b>76,033</b>	<b>15,127</b>	<b>219,565</b>	<b>22,816</b>	<b>2,075,641</b>
Enl: 658238 Off: 99921	Enl: 59737 Off: 16296	Enl: 5575 Off: 9552	Enl: 188744 Off: 30821	Enl: 13188 Off: 9628	Enl: 1512917 Off: 562724

Source: DMDC Strength Summary Report - Sep-2010

*Integrity – Service -- Excellence*



# The Selected Reserve



Source: DMDC Strength Summary Report – Sep-2010, supplemented by information provided by USCG, Jan 2011

*Integrity – Service -- Excellence*



# ANG Contributions



CONTRIBUTIONS		
Fighter/Attack (29%)* Total: 566 A-10, F-15, F-16	Tanker (40%) Total: 170 KC-135 R/T	OSA/VIP/Other (31%) Total: 28 C-21A, C-32B, C-38A,C-40C
Strategic / Tactical Airlift (31%) Total: 206 C-5, C-130E/H, LC-130H, C-130J, C-17	Command & Control (100%) Total: 12 E-8C,	ISR (19%) Total: 56 MQ-1, MQ-9, RC-26B, MC-12
Special Operation Forces (6%) Total: 7 EC-130J	Rescue (14%) Total: 26 HC-130N/P, MC-130P,HH-60G	
*% of Total Force		A8



# Air Force Reserve Contributions



## Reserve Total Force Contributions

<b>Aerial Spray</b>	100%	<b>Theater Airlift</b>	21%
<b>Weather Reconnaissance</b>	100%	<b>Intel</b>	19%
<b>Port Mortuary Affairs</b>	75%	<b>**Training</b>	19%
<b>Aeromedical Evacuation</b>	60%	<b>AOC</b>	15%
<b>Aerial Port</b>	54%	<b>Space</b>	12%
<b>*Flight Inspection</b>	50%	<b>AWACS</b>	11%
<b>Strategic Airlift</b>	46%	<b>SOF</b>	10%
<b>Aerial Fire Fighting</b>	25%	<b>Bomber</b>	8%
<b>Personnel Recovery</b>	23%	<b>RPA</b>	5%
<b>Tanker</b>	23%	<b>Fighter</b>	5%

\*Flight Inspection Program percentages refer to the 1<sup>st</sup> Aviation Standards Flight at Will Rogers AFB, Oklahoma City. FAA owns the mission and the Reserve provides 50% of the Air Force contribution to the mission.

\*\* Training reflects T-1, T-6, AT-38, T-38, & RPA aircraft.

*\*Source: [www.AIRMANonline.af.mil](http://www.AIRMANonline.af.mil)*

*Integrity – Service -- Excellence*



## Value to America



- The Army National Guard operates using less than 11 percent of the Army's 2010 budget, makes up 32 percent of the Army's personnel, and maintains nearly 40 percent of its operating force.
- The Air National Guard operates using less than 7 percent of the Air Force's 2010 budget, makes up 19 percent of Air Force personnel, and maintains 30-40 percent of the Air Force's fighter, tanker, and airlift capacity.



# Strategic vs. Operational Reserve



- **Cold War—a force in reserve**
- **Since Desert Shield / Storm, a fully operational force**
  - 267,000 activated for DS/S and no-fly enforcement
  - Bosnia
  - Kosovo
- **RC forces are fully integrated into the “Total Force”**
  - Train to and meet AD standards
  - Full spectrum military capability
  - Operationally savvy and resilient force
- **National Guard—new domestic ops role**



# Activation Authorities



Title	15-Day Statute	Reserve Component Volunteers	Presidential Reserve Call-Up <sup>a</sup>	Partial Mobilization	Full Mobilization
<b>Statute</b>	Title 10 USC § 12301(b)	Title 10 USC §12301(d)	Title 10 USC § 12304	Title 10 USC § 12302	Title 10 USC §12301(a)
<b>Situation</b>	Service Secretaries (AT, opn msn, Invol; w/Gov consent)	Consent of member (& Governor for Guard)	President notifies Congress, no declaration of war or national emergency	President declares national emergency	Congress declares war or national emergency
<b>Reservists Affected</b>	Ready Reserve	All	Selected Reserve & IRR	Ready Reserve	All (including inactive & retired)
<b>Force Limit</b>	None specified	None specified	200,000 < 30,000 IRR	1,000,000	None
<b>Term Limit</b>	15 days/year	Non stated	365 days	2 consecutive years	Duration plus 6 months

*Integrity – Service -- Excellence*



## Activations for Operations Enduring Freedom, Iraqi Freedom, New Dawn, and Noble Eagle



Reserve Component	Current Involuntary Activations*	Current Voluntary Activations**	Total Currently Activated	Total Deactivated Since 9/11	Total Activated Since 9/11
<b>ARNG</b>	40,592	5,382	45,974	292,048	338,022
<b>USAR</b>	16,211	8,818	25,029	170,675	195,704
<b>USNR</b>	5,596	111	5,707	42,056	47,763
<b>USMCR</b>	2,892	2,159	5,051	53,084	58,135
<b>ANG</b>	2,535	1,926	4,461	81,546	86,007
<b>USAFR</b>	1,269	3,089	4,358	56,177	60,535
<b>USCGR</b>	369	400	769	6,918	7,687
<b>TOTAL</b>	69,464	21,885	91,349	702,504	793,853

\*Includes members placed on Active Duty under 10 USC §688, 12301(a), 12302 and 12304

\*\*Includes members placed on Active Duty under 10 USC §12301(d) and members categorized as unknown in the Contingency Tracking System (CTS) statute code

Source: Defense Manpower Data Center as of 4 January 2011

*Integrity – Service -- Excellence*



# Operational Use



- Guard and Reserve members constituted more than 33-40% of the Total Force at peak in 2004
- Current proportion—around 18%
- “Elastic” RC participation
  - Longer tours, smaller pool of volunteers
- Multiple tours
  - Combination of volunteers and partial mobilization
- Home station “deployments”
- The Operational Reserve is here to stay
  - Punaro Commission—2008
  - Comprehensive Review of the Future Role of the RC – Mar 2011



# The New ARC Paradigm





## Who *are* those guys in the ARC?



- 
- 70% AD experience as judge advocates (AF or other services)
  - 20% prior commissioned or enlisted experience
  - Enlisted force: mostly cross-trainees from other on-base units
  - 60% accessed to the Corps before 9/11
  - Employment
    - 48%--public sector (federal, state, local government)
    - 40%--private sector (law firms and corporations)
-



# The Three Pillars of Success For RC Members

---



- **Engagement**
    - The mission and the service
  - **Professionalism**
    - No longer the “good ol’ boys flying club”
  - **Balance**
    - Family
    - Job
    - Military Service
-



# Deployed Discipline The ANG Example

---



- **Federal law controls**
    - UCMJ
  - **Deployed Commander**
    - Title 10
    - OPCON and Specified ADCON
  - **201 MSS Commander**
    - Title 10
    - ADCON
  - **ANG Unit Commander**
    - Title 32
    - Advisory role
-



# Military Justice



- **Jurisdiction**
  - Status is everything
- **Expiring orders**
  - Pending investigations
  - Recall to AD for disciplinary actions
- **Lower overall misconduct rates**
  - More mature force



# The Issues



- **RC members perform as well as their AD counterparts**
  - Indistinguishable performance
  - Same or lower misconduct rates
- **The real issues: when they return home**
  - Family
  - Civilian positions
  - Reversion to traditional RC status



# Family Support



- **No base community**
  - Part-time organization
  - Full-time family support personnel
  - Many (50%) live far from base of assignment
- **Unfamiliarity with military programs**
- **Disconnected with AD community**
- **Reconnecting with spouse and family is often a difficult process**



# Returning To Civilian Employment



- **USERRA requires reapplication for position within specific time frames based on length of service**
- **While many employers bend over backwards to not discriminate, being away for an extended period is often a career disadvantage**
  - Professionals often suffer career setbacks
- **Multiple deployments plus training plus other military obligations create additional strains**
  - Employers are losing their patience—and not without reason
  - Recent Supreme Court decision: affirmed broad scope of USERRA



# USERRA



- 
- **Provides federal statutory rights to return to civilian position**
    - Total of 5 years away from same employer for military duty
      - Some exceptions (contingency ops or national emergency)
    - Strict reapplication deadlines based on length of tour
  - **Remedies**
    - Employer Support of the Guard and Reserve (ESGR)
    - VETS (US Department of Labor)
    - Office of Special Counsel (federal employees)
    - Department of Justice
    - Private right of action
-



# USERRA Cases



<b>Fiscal Year</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>	<b>FY 2009</b>
<b>New VETS Cases</b>	1,349	1,140	1,265	1,226	1,389	1,431
<b>OSC Cases (Federal only)</b>	n/a	112	169	139	37	n/a
<b>Total New Cases</b>	<b>1,349</b>	<b>1,252</b>	<b>1,434</b>	<b>1,365</b>	<b>1,426</b>	<b>1,431</b>

*Integrity – Service -- Excellence*



# VETS Cases / 2009



<b>Cases Opened by VETS in FY 2009: USERRA ISSUE</b>	<b>VETS CASES ALLEGING ISSUE*</b>	
	<b>NUMBER</b>	<b>PERCENT</b>
Military obligations discrimination	490	34.2%
Reinstatement	392	27.4%
Other non-seniority benefits	51	3.6%
Promotion	94	6.6%
Vacation	35	2.5%
Status	67	4.7%
Pay rate	74	5.2%
Reasonable accommodation/ retraining for non-qualified/non-disabled	6	0.4%
Discrimination as retaliation for any action	125	8.7%
Seniority	47	3.3%
Pension	53	3.7%
Initial hiring discrimination	79	5.5%
Layoff	103	7.2%
Special protected period discharge	20	1.4%
Health benefits	20	1.4%
Reasonable accommodations/retraining for disabled	28	2.0%
Other	63	4.4%

*Integrity – Service -- Excellence*



# Special Challenges



- **Lack of support services**
- **Rules do not take into account unique Reserve service**
- Downtime at home station, no matter how distant that their base is from their home
- **Returning to traditional Reserve role**
- New domestic missions
- Potential to redeploy, especially involuntarily
- Traditional Reserve duty carries its own demands
- **Consequences**
- War injuries / service-connected disabilities
- Suicide



# The New Force Balance



- Strategic Depth
- Operational Forces
- Institutional Support
- Homeland Defense
- Stability Operations
- Humanitarian Assistance
- Steady State Engagements
  - Support of Combatant Commander Theater Security Engagements and Building Partner Capabilities
  - National Guard State Partnership Program



# Domestic Discipline



- 
- Provide the right legal framework to maintain good order and discipline consistent with federal law
  - State Law Controls; UCMJ does not apply
    - Governor is the commander in chief
  - **ANG Commander**
    - ADCON (possibly OPCON)
  - **“Deployed” Commander**
    - OPCON / TACON
  - **The Model State UCMJ**
    - Focused on military offenses
    - Consistent with federal UCMJ standards
    - 24/7 Jurisdiction; extraterritorial application
    - ABA endorsed 14 Feb 2011
-



# The Way Ahead



- **Keep the RC prepared through periodic and predictably deployments, CONUS and OCONUS**
  - **Maintain readiness—reduce strain on AC**
- **Leverage civilian capabilities to contribute to the national defense strategy**
- **Provide adequate funding for active and reserve service**
- **Enable a “continuum of service”**
  - **Simplify pay and allowances**
- **Keep faith with our members, families and employers**



# When the “honey do” list comes out...

